

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 24**

EMPIRE COMPANY, INC.;
LUIS AYALA COLON & SUCRS.
INC.;
ISLAND STEVEDORING, INC.;
INTERNATIONAL SHIPING
AGENCY D/B/A INTERSHIP;
TRAILER BRIDGE, INC.

CASES NO.
12-RC-152145
12-RC-152179
12-RC-152203
12-RC-152219
12-RC-152221

**MOTION TO DISMISS PETITIONS; IN THE ALTERNATIVE, REQUEST TO
INVALIDATE PETITIONER'S SHOWING OF INTEREST**

TO THE HONORABLE REGIONAL DIRECTOR:

COMES NOW, Incumbent Union, ILA Local 1901, AFL-CIO, also known as Union de Empleados de Muelles ILA Local 1901, through the undersigned attorney, and respectfully avers and prays:

- 1) The hearing on petitions 12-RC-152145, 12-RC-152203 and 12-RC-152221, commenced on Thursday, May 28, 2015.
- 2) The hearing continued on consecutive dates until June 2, 2015. It finally concluded on June 5, 2015.
- 3) On Tuesday, June 2, 2015, on the Record, counsel for incumbent Union, ILA Local 1901, presented a motion to move the Region to dismiss the petitions presented by petitioner, Union Independiente de Empleados de Muelles de Puerto Rico y el Caribe, Inc., based on the evidence vested on the record.
- 4) As the record reflects, there were two Union Independiente de Empleados de Muelles de Puerto Rico y el Caribe, Inc. One was incorporated by Rene Mercado, former ILA Local 1901 president, and self-proclaimed President of Union de Empleados de Muelles de Puerto Rico disaffiliated from the ILA; and, the second one incorporated by Mr. Michael Azcona.
- 5) According to the evidences on the record, Rene Mercado incorporated the first Union Independiente on May 6, 2015.

- 6) On May 7, 2015, according to the documental and testimonial evidence, Rene Mercado dissolved Union Independiente de Empleados de Muelles de Puerto Rico y el Caribe, Inc.
- 7) On the same date, May 7, 2015, Mr. Michael Azcona incorporated the second Union Independiente de Empleados de Muelles de Puerto Rico y el Caribe Inc.
- 8) The second Union Independiente de Empleados de Muelles de Puerto Rico y el Caribe, Inc., filed a petition for representation for Empire Company on May 13, 2015. (Board Exhibit 1(a))
- 9) In the petition, the Petitioner specifically states that it requested recognition from Empire Company on May 6, 2015.
- 10) The second Union Indepediente, filed another petition on May 14, 2015. This time for the employees employed by Luis Ayala Colon & Scrs. (Board Exhibit 1(d))
- 11) In this petition, the Petitioner also states that it requested recognition from Empire Company on May 6, 2015.
- 12) Additionally, on May 14, 2015, Petitioner filed yet another petition to represent the employees of Island Stevedoring, Inc. (Board Exhibit 1 (g))¹
- 13) As with the other petitions, the Petitioner alleged to have requested recognition from Island Stevedoring, Inc. on May 6, 2015.
- 14) The evidence vested on the record through the testimony of Mr. Rene Mercado shows that the showing of interest provided by Petitioner was collected by former ILA Local 1901 officers on behalf of the first Union Independiente. To that effect, Rene Mercado testified that former ILA Local 1901 officers, now Union de Empleados de Muelles de Puerto Rico officers, collected authorization cards from the employees on behalf of the first Union Independiente.
- 15) It should be noted that the second Union Independiente did not come to life until May 7, 2015, after the dissolution of the first Union Independiente.
- 16) Accordingly, any showing of interest taken prior to May 7, 2015 (date of the dissolution of the first Union Independiente, and the consequent incorporation of

¹ All other petitions raise the same allegation that Petitioner requested recognition from the respective employer on May 6, 2015.

the second Union Independiente) should not be considered as indicative of Local 1901's members wish to be represented by the second Union Independiente.

17) Both Mr. Mercado and Mr. Azcona claimed on the record that their respective Union Independiente is different and apart from the other.

18) Based on the representations made under oath by Mercado and Azcona on the record, the Region should not consider that the showing of interest collected on behalf of the first Union Independiente (any and all showing of interest collected prior to May 7, 2015) should not be credited for the second Union Independiente.

19) Utilizing the authorization cards collected for the first Union Independiente as the showing of interest for the second Union Independiente is nothing more than a further attempt from Mr. Rene Mercado and Mr. Michael Azcona to confuse and mislead the employees.

20) Accordingly, we respectfully request the Region dismiss the petitions on grounds pertaining to the Petitioner's showing of interest, or lack thereof. In the alternative, we move the Region to invalidate the showing of interest presented in support for the petitions filed by the second Union Independiente.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8th day of June 2015.

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CERTIFICATE OF SERVICE

I certify that I have notified copy of the extant Motion to the legal representatives of the parties on record to:

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In San Juan, Puerto Rico, this 8th day of June 2015.

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